

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference HB/vR 2368 EP	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2004/003583	International filing date (day/month/year) 05.04.2004	Priority date (day/month/year) 16.04.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant ALCAN TECHNOLOGY & MANAGEMENT LTD.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 12 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input checked="" type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-7 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-19 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☐ the drawings:
- sheets _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. IV Lack of unity of invention

1. ☒ In response to the invitation to restrict or pay additional fees the applicant has:
 - ☐ restricted the claims.
 - ☒ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☐ neither restricted the claims nor paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:
 - ☐ complied with.
 - ☒ not complied with for the following reasons:

See supplemental box.

4. Consequently, this report has been established in respect of the following parts of the international application:

- ☒ all parts.
- ☐ the parts relating to claims Nos. _____

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims		YES
	Claims	1-19	NO
Inventive step (IS)	Claims		YES
	Claims	1-19	NO
Industrial applicability (IA)	Claims	1-19	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
1. <u>PRIOR ART DOCUMENTS</u>			
This report refers to the following documents:			
D1:	EP-A-0 389 207 (MERCK & CO INC), 26 September 1990 (1990-09-26)		
D2:	GB-A-1 247 935 (KRAFTCO CORPORATION), 29 September 1971 (1971-09-29)		
D3:	GB-A-1 523 244 (ALCAN FOLIEN GMBH), 31 August 1978 (1978-08-31)		
D4:	DE 24 56 228 A (COLGATE PALMOLIVE CO), 5 June 1975 (1975-06-05)		
D5:	FR-A-2 415 247 (RICAL SA), 17 August 1979 (1979-08-17)		
D6:	US-A-3 332 549 (BADEN POWELL DENNIS), 25 July 1967 (1967-07-25)		
D7:	US-A-3 976 195 (COHEN SHELDON S), 24 August 1976 (1976-08-24)		
D8:	US-A-4 785 937 (MOTEKI YOSHIJI ET AL), 22 November 1988 (1988-11-22)		
D9:	US-A-4 567 986 (EASTWOOD MICHAEL C), 4 February 1986 (1986-02-04)		
D10:	US-A-5 560 490 (CHAWLA BRINDRA P S), 1 October 1996 (1996-10-01)		

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
D11:	US-A-5 927 500 (USHER CHRISTOPHER T ET AL), 27 July 1999 (1999-07-27)
D12:	EP-A-0 570 188 (MITSUI PETROCHEMICAL IND), 18 November 1993 (1993-11-18)
2.	<p><u>INVENTION 1</u></p> <p>The application fails to meet the requirements of PCT Article 33(1) because the subject matter of independent claims 1 and 10 is not novel (PCT Article 33(2)).</p> <p>2.1 Document D1 discloses a cover film for a blister pack comprising a 20 to 25 μm thick aluminium foil laminated with a 20 μm thick PVC film (see D1, column 2, line 49 to column 3, line 2).</p> <p>2.2 Document D2 discloses a cover film for a blister pack comprising a 19 to 25 μm thick aluminium foil laminated with a 9 μm thick PVC film (see D2, page 1, line 70 to page 2, line 58).</p> <p>2.3 Document D3 discloses a cover film for a blister pack comprising a 12 to 20 μm thick aluminium foil laminated with a 15 to 20 μm thick PVC film (see D3, page 2, lines 1 to 27).</p> <p>3. <u>INVENTION 2</u></p> <p>The application fails to meet the requirements of PCT Article 33(1) because the subject matter of independent claim 1 is not novel (PCT Article 33(2)) and the subject matter of independent claim 10 does not involve an inventive step (PCT Article 33(3)).</p>

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 3.1 Document D4 discloses a packaging film comprising a 12 μm thick metal foil laminated with a 25 μm thick PVDC film (see D4, example 3).
- 3.2 Document D5 discloses a film comprising a 7 μm thick aluminium foil laminated with a PVDC film (see D5, page 1, line 12 to page 2, line 6, and the example).
- 3.3 The idea of using a film of this type as a cover film for a blister pack would be obvious to a person skilled in the art in the light of D4 and D5, and does not appear to solve any technical problem. The features of claim 10 therefore do not appear to involve an inventive step.

4. INVENTION 3

The application fails to meet the requirements of PCT Article 33(1) because the subject matter of independent claims 1 and 10 is not novel (PCT Article 33(2)).

- 4.1 Document D7 discloses a cover film for a blister pack comprising an aluminium foil laminated with a PP film (see D7, column 2, line 66 to column 3, line 15, and column 7, lines 30 to 42). Although there is no mention in D7 of the layer thicknesses, the subject matter of the present application cannot be considered novel over the disclosure of D7 because the claimed thicknesses are typical for packaging films.
- 4.2 Document D6 discloses a cover film comprising a 54 μm thick aluminium foil laminated with a 25 μm thick PP film (see D6, column 1, lines 31 to 37 and 55 to 72). Although

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the aluminium foil in the packaging film of D6 is thicker than in the claimed film, the subject matter of the present application cannot be considered inventive in relation to the disclosure of D6 because the claimed thickness falls within an obvious range which a person skilled in the art would seriously consider using.

5. INVENTION 4

The application fails to meet the requirements of PCT Article 33(1) because the subject matter of independent claims 1 and 10 is not novel (PCT Article 33(2)).

- 5.1 Document D9 discloses a cover film for a blister pack comprising an aluminium foil laminated with a polyester film (see D9, column 2, lines 9 to 14 and 60 to 65, and column 5, lines 50 to 58). Although there is no mention in D9 of the layer thicknesses, the subject matter of the present application cannot be considered novel over the disclosure of D9 because the claimed thicknesses are typical for packaging films.
- 5.2 Document D8 discloses a cover film comprising a 20 µm thick aluminium foil laminated with a 6 µm thick polyester film (see D8, column 2, lines 21 to 43, and figure 2).

6. INVENTION 5

- 6.1 Document D10 is considered to be the prior art closest to the subject matter of independent claims 1 and 10. D10 discloses a blister pack with a main body made of PCTFE (see D10, column 1, lines 62 to 67). A blister pack with a main body made of PCTFE is also known from

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document D11 (see D11, column 3, lines 25 to 53).

The subject matter of claims 1 and 10 is therefore novel (PCT Article 33(2)).

- 6.2 The idea of using a PCTFE-aluminium film solves the problem of providing an alternative cover film for a blister pack, and is not obvious to a person skilled in the art.

The subject matter of claims 1 and 10 is therefore inventive (PCT Article 33(3)).

7. INVENTION 6

The application fails to meet the requirements of PCT Article 33(1) because the subject matter of independent claims 1 and 10 is not novel (PCT Article 33(2)).

- 7.1 Document D12 discloses a cover film for a blister pack comprising an aluminium foil laminated with a COC film (see D12, page 37, lines 37 to 48, and page 33, lines 5 to 59). Although there is no mention in D12 of the layer thicknesses, the subject matter of the present application cannot be considered novel over the disclosure of D12 because the claimed thicknesses are typical for packaging films.

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Box No. VIII **Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The relative terms in the phrase "the aluminium foil is soft or hard or has a defined hardness" in claim 2 are vague, have no generally accepted meaning, and leave the reader in doubt as to the meaning of the technical feature referred to (see PCT Guidelines 5.34). The subject matter of the claim is therefore not clearly defined (PCT Article 6).

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box IV**Unity of invention**

The different inventions or groups of inventions are as follows:

1. Claims 1 to 19 (all in part): Invention 1

Cover film for a blister pack containing a 5 to 30 μm thick aluminium foil, a first side of which is
(a) uncoated, or (b) provided with a protective coating having a coat weight of 0.1 to 10 g/m^2 , or (c) laminated with paper with a weight per unit area of 17 to 60 g/m^2 , or (d) laminated with a 5 to 15 μm thick polyester film, and a second side of which is laminated with a PVC film. Blister pack containing such a film.

2. Claims 1 to 19 (all in part): Invention 2

Cover film for a blister pack containing a 5 to 30 μm thick aluminium foil, a first side of which is
(a) uncoated, or (b) provided with a protective coating having a coat weight of 0.1 to 10 g/m^2 , or (c) laminated with paper with a weight per unit area of 17 to 60 g/m^2 , or (d) laminated with a 5 to 15 μm thick polyester film, and a second side of which is laminated with a PVDC film. Blister pack containing such a film.

3. Claims 1 to 19 (all in part): Invention 3

Cover film for a blister pack containing a 5 to 30 μm thick aluminium foil, a first side of which is
(a) uncoated, or (b) provided with a protective coating

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having a coat weight of 0.1 to 10 g/m², or (c) laminated with paper with a weight per unit area of 17 to 60 g/m², or (d) laminated with a 5 to 15 µm thick polyester film, and a second side of which is laminated with a polypropylene film. Blister pack containing such a film.

4. Claims 1 to 19 (all in part): Invention 4

Cover film for a blister pack containing a 5 to 30 µm thick aluminium foil, a first side of which is (a) uncoated, or (b) provided with a protective coating having a coat weight of 0.1 to 10 g/m², or (c) laminated with paper with a weight per unit area of 17 to 60 g/m², or (d) laminated with a 5 to 15 µm thick polyester film, and a second side of which is laminated with a polyester film. Blister pack containing such a film.

5. Claims 1 to 19 (all in part): Invention 5

Cover film for a blister pack containing a 5 to 30 µm thick aluminium foil, a first side of which is (a) uncoated, or (b) provided with a protective coating having a coat weight of 0.1 to 10 g/m², or (c) laminated with paper with a weight per unit area of 17 to 60 g/m², or (d) laminated with a 5 to 15 µm thick polyester film, and a second side of which is laminated with a PCTFE film. Blister pack containing such a film.

6. Claims 1 to 19 (all in part): Invention 6

Cover film for a blister pack containing a 5 to 30 µm thick aluminium foil, a first side of which is (a) uncoated, or (b) provided with a protective coating having a coat weight of 0.1 to 10 g/m², or (c) laminated with paper with a weight per unit area of 17 to 60 g/m², or (d) laminated with a 5 to 15 µm thick polyester film,

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and a second side of which is laminated with a COC film.
Blister pack containing such a film.

The only concept of a general nature is that of a 5 to 30 μm thick aluminium foil laminated on one side with a plastic film is suitable as a cover film for a blister pack. This concept is already known from EP 0 389 207 A (document D1), which discloses a cover film for a blister pack comprising a 20 to 25 μm thick aluminium foil laminated with a 20 μm thick PVC film.

Hence this single general concept is not inventive (PCT Rule 13.1), and the inventions listed above are not so linked as to form a single general concept.